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SMART & BIGGAR

Intellectual Property & Technology Law

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Page 1 of: 5

Attention: Group Art Unit 2667
Examiner Alexander O. Boakye

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From: SMART & BIGGAR

Your file no.: 09/584,539

Date: October 4, 2004

Reply to Ottawa file no.: 77682-240

Time:

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**COMBINED AMENDMENT & PETITION FOR EXTENSION OF
TIME UNDER 37 CFR 1.136(a) (Large Entity)**

Docket No.
77682-240 /slb

In Re Application Of: **CARL F. CAO**

| Application No. | Filing Date | Examiner | Customer No. | Group Art Unit | Confirmation No. |
|-----------------|-------------|---------------------|--------------|----------------|------------------|
| 09/584,539 | 06/01/00 | Alexander O. Boakye | 07380 | 2667 | 4953 |

Invention: **TRANSMISSION CONTROL PROTOCOL HANDOFF NOTIFICATION SYSTEM AND METHOD**

COMMISSIONER FOR PATENTS

This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of June 2, 2004 in the above-identified application.
Date

The requested extension is as follows (check time period desired):

☒ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: September 2, 2004 until: October 2, 2004
Date *Date*

The fee for the amendment and extension of time has been calculated as shown below:

CLAIMS AS AMENDED

| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST # PREV. PAID FOR | NUMBER EXTRA CLAIMS PRESENT | RATE | ADDITIONAL FEE |
|---|-------------------------------------|-----------------------------|--------------------------------|-----------|-------------------|
| TOTAL CLAIMS | 23 - | 23 = | 0 | x \$18.00 | \$0.00 |
| INDEP. CLAIMS | 3 - | 3 = | 0 | x \$88.00 | \$0.00 |
| FEE FOR AMENDMENT | | | | | \$0.00 |
| FEE FOR EXTENSION OF TIME | | | | | \$110.00 |
| TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME | | | | | \$110.00 |

P28LARGE/REV04

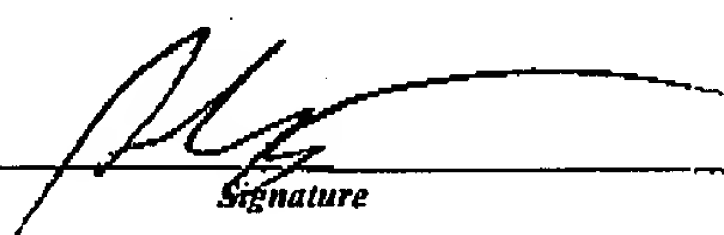
**COMBINED AMENDMENT & PETITION FOR EXTENSION OF
TIME UNDER 37 CFR 1.136(a) (Large Entity)**

Docket No.
77682-240 /slb

The fee for the amendment and extension of time is to be paid as follows:

- ☐ A check in the amount of \$110.00 for the amendment and extension of time is enclosed.
- ☒ Please charge Deposit Account No. 19-2550 in the amount of \$110.00
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-2550
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 19-2550
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


R. Allan Brett
Reg. No. 40,476

Date: October 4, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

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P28LARGE/REV04

OCT 04 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/584,539
Applicant : Carl F. Cao
Filed : June 1, 2000
TC/A.U. : 2667
Examiner : Alexander O. Boakye

Confirmation No. 4953

Docket No. : 77682-240
Customer No. : 07380

Commissioner for Patents
Alexandria, VA 22313-1450
U.S.A.

Dear Sir:

This is in response to the Office action dated June 2, 2004.

This is further to my telephone interviews with Examiner Boakye and my telephone interview with Examiner Chi Pham. The Examiner has rejected several of the claims, arguing that they are anticipated by a single reference, Gupta et al. Part of the Examiner's argument is stated at the bottom of page 2 of the Office Action where the Examiner states that Gupta teaches "the wireless network notifying the transmitting host when the wireless receiving host is in handoff and when the wireless receiving host is not in handoff (page 187, second column, paragraph 3)".

This is how the method of Gupta works: the mobile host sends multiple copies of negative acknowledgement (see column 186, paragraph 4). The base station receives the duplicate acknowledgements. The duplicate acknowledgements trick the base station into sending an acknowledgement on to the TCP sender with the advertised window field set to zero. See column 186 under "B.2 Operation". This tricks the TCP sender into entering "persist mode" such that all states are frozen. The TCP sender leaves persist mode upon receipt of another acknowledgement having a new "latest advertised window". See the third paragraph of column 187.

None of this messaging notifies the TCP sender that the wireless receiving host is in handoff or that the wireless receiving host is no longer in handoff as recited in Applicant's claim 1. In fact, column 186 of Gupta specifically states that "we propose to make the TCP sender unaware of the occurrence of the motion by freezing all its transmission timer and states. To do this, the BS is made to change the information in the TCP acknowledgements to make the sender interpret the event as a receivers buffer depletion".

Thus in fact the reference not only does not teach the particular step recited in claim 1, namely the notification of the TCP sender of whether or not the wireless receiving host is in handoff or not, the reference also teaches away from this solution by arguing that the specific intent is to make the TCP sender unaware of the occurrence of the motion.

On this basis, it is respectfully submitted that the 35 U.S. C. 102 (b) rejection of claim 1 should be withdrawn. Further arguments have been prepared and presented previously in respect of the dependent claims that are still rejected.

All of the claims should be in allowable form.

Examiner Pham has indicated that he was willing to review this argument and contact me by telephone should be there further issues to resolve. Your assistance in this regard would be much appreciated.

Respectfully submitted,

CARL F. CAO

By


Allan Brett

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Date: October 4, 2004

RAB:rd